



ENTERED
06/29/2018

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:

VENTECH ENGINEERS, L.P. *et*
*al.*¹

DEBTORS.

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Case No. 17-33203

Jointly Administered

(Chapter 7)

ORDER AUTHORIZING USE OF CASH COLLATERAL

[Related to ECF No. 92]

The Court, having considered the Trustee's *Motion for Authorization Pursuant to 11 U.S.C. §§ 105, 361 and 363 for Use of Cash Collateral* (the "Motion"),² any responses to the Motion, the statements of counsel, and the record in this case, and having held a hearing on the Motion, finds that: (a) it has jurisdiction over this matter pursuant to 28 U.S.C. § 1334; (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (c) the relief requested in the Motion is in the best interests of the Debtors' estates, their creditors, and other parties-in-interest; (d) proper and adequate notice of the Motion and hearing thereon has been given and no other or further notice is necessary; and (e) good and sufficient cause exists for the granting of the relief requested. Therefore, it is ORDERED that:

1. The Motion is GRANTED on a final basis to the extent set forth herein.

¹ The names of the debtors in these chapter 7 cases, along with the last four digits of each Debtor's federal tax identification number, are: Ventech Engineers L.P. (0943); Ventech Engineers LLC (7644); Ventech Fabrication Services LLC (6482); Ventech Engineers International LLC (5030); Ventech Energy LLC (1829); Ventech Engineers North America LLC (7325); Ventech Engineers USA LLC (7499); Ventech Vessel Fabricators LLC (6525); Ventech Global Projects, Inc. (9146); Ventech International Projects LLC (2187); Ventech Global Construction, LLC (0736); Ventech Modular Fabricators LLC (2960); Ventech Refining Solutions LLC (6454); Ventech Plant Constructors LLC (5107); Ventech Engineers & Fabricators, LLC (2106); Ventech Industrial Contractors, LLC (6482); Ventech XTL LLC (2500); and Ventech XTL Oklahoma City LLC (5549).

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

2. The Trustee shall be entitled to use Cash Collateral (as defined in the Motion) to pay all ordinary and necessary expenses as described in the budget (the "Budget") attached as Exhibit A.

3. The Trustee and BofA are authorized to amend the Budget by agreement by filing a notice of the amended budget on the docket without further order of this Court.

4. As adequate protection for use of Cash Collateral, BofA shall receive first-priority replacement liens on any and all unencumbered property of the Debtors, including any litigation recoveries.

5. As additional adequate protection, BofA shall be entitled to a superpriority administrative expense claim pursuant to § 507(b) of the Bankruptcy Code for any diminution in the value of BofA's collateral since the Petition Date.

6. Notice of the Motion satisfies the requirements of Bankruptcy Rule 6004(a).

7. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this Order are immediately effective and enforceable upon its entry.

8. The Trustee is authorized to take all actions necessary to effectuate the relief granted in this Order.

9. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcements of this Order.

Dated: June 27, 2018


UNITED STATES BANKRUPTCY JUDGE

Exhibit A

Budget

Real Property Taxes, Utility Charges and Property Insurance for Ventech Building as previously approved by the Court pursuant to Orders entered at ECF Nos. 68, 77 and 86.

2017 Real Property Taxes Owed to Pasadena ISD (plus outstanding fees, penalties and interest) – actual amount

Property Expenses/Miscellaneous - \$20,000

Trustee Fees - Maximum amount permitted under 11 U.S.C. § 326

Broker's Fees - Sales commission for Marcus & Millichap as described in the Order Authorizing Employment of Marcus & Millichap [ECF No. 30]

General Counsel - \$125,000 (including amounts approved pursuant to ECF No. 83)

Special ERISA Counsel (Matt Borrer) - \$25,000

Trust Accountant - \$10,000